

DUMONT JOINT LAND USE BOARD MINUTES FOR JANUARY 31, 2012 MEETING

Flag Salute

SESSION: This is a meeting of the Joint Land Use Board, of the Borough of Dumont, held in the Council Chambers.

**January 31, 2012
7:30 PM**

SUNSHINE LAW: This meeting is a regularly scheduled meeting of the Joint Land Use Board, of The Borough of Dumont, held in the Council Chambers on January 31, 2012. The date, time, and location were established by the resolution of the Board. A copy of the resolution was forwarded to *The Record* and the *Ridgewood News*, the official newspapers of the Borough of Dumont, filed with the Borough Clerk and posted in the Borough Hall of the Borough of Dumont. All notice requirements of the Open Public Meetings Act of the State of New Jersey have been fulfilled.

ROLL CALL:

Thomas Trank	P	Marian Reitano	P	Kenneth Freeman	A
Elizabeth Marchese	P	Ken Melamed	P	Robert Huth	P
Eric Abrahamsen	A	William Goodman	A	Irwin Buchheister Alt # 1	P
Elmer Pacia Alt # 3	P	Chairman Timothy Hickey	P		
William Bochicchio	P	Michael Worner	P		

Others: Board Attorney – Kaufman, Bern, Deutsch & Leibman: Marc Leibman-P
Board Engineer – Birdsall Engineering: James Giurintano-NA
Board Planner – Neglia Engineering: Dan Kaufman-NA
Board Clerk – Steve Cavadias (Substitute Clerk)-P

BUSINESS: Reorganization of Joint Land Use Board

Chairman Timothy Hickey states that on the matter of the board's reorganization there are new members being appointed to the board this evening and a current member being reappointed to which all must be sworn in. The board attorney, Marc Leibman swears in the newly appointed members, William Bochicchio and Michael Worner to Class IV members and additionally swears in a current member of the board who has been reappointed, Thomas Trank. All take the Oath of Allegiance and are notarized by Marc Leibman. Chairman Timothy Hickey asks the new members to join them on the dais and for the meeting to continue. Thomas Trank asks what seats were the newly appointed

member's filling. Chairman Timothy Hickey states that the new appointments are entering open seats held by himself and William Goodman. Chairman Timothy Hickey states that several appointments were made before the end of the year and he is giving more time to the Mayor and Council along with the board attorney to validate all the board's appointments and until then the current members will work as carry over's. Elizabeth Marchese asks if they can hold over the election of a Chairman till after they have a resolution to the validity of the board members since there are so many questions. Marc Leibman states that the board should reorganize still and still elect a Chairman. Elizabeth Marchese makes a motion to nominate Timothy Hickey as Chairman to the board. William Bochicchio states that there are four seats in question on the board and not two and requests that all the elections be held over. A discussion commences on the positions in question and who that is there that evening are valid voting members since alternates cannot vote on reorganization unless a voting member is not present. Chairman Timothy Hickey states that since all positions have not been filled that the board should place elections on hold and that elections will be carried to the follow meeting in an attempt to have a full complement of the board.

BUSINESS: Review and Approval of Business Professional Invoices

Chairman Timothy Hickey states that he will sign off on these items at the end of the meeting.

BUSINESS: Review and Approval of 2012 Joint Land Use Board Meeting Dates

Chairman Timothy Hickey begins discussion on the board's meeting dates. He states that historically the meetings are held on the last Tuesday of every month and the clerk's dates that were submitted do reflect this. He states that he has heard from no one about there being any conflicts with these dates so he calls for a motion from the board.

Motion to Approve: Thomas Trank

2nd by: Elizabeth Marchese

ROLL CALL:

Thomas Trank	Y	Marian Reitano	Y	Kenneth Freeman	NA
Elizabeth Marchese	Y	Ken Melamed	Y	Robert Huth	Y
Eric Abrahamsen	NA	William Goodman	NA	Irwin Buchheister Alt # 1	Y
Elmer Pacia Alt # 3	Y	Chairman Timothy Hickey	Y		
William Bochicchio	Y	Michael Worner	Y		

Motion Approved: 10 – 0

- William Bochicchio makes a request that the new members please be forwarded copies of the board's meeting dates.

BUSINESS: Approval of June 2011, July 2011, September 2011, October 2011
November 2011 and December 2011 Minutes

Chairman Timothy Hickey tables the approval of the minutes till the following month's meeting February 28, 2012 since the clerk for the board is not in attendance due to illness.

BUSINESS: Discussion on legal memo drafted by Borough Attorney, Gregg Paster

Chairman Timothy Hickey begins the discussion of the memo that was drafted by the town attorney, Gregg Paster regarding the board members term validity. Marc Leibman states that questions had arisen from member's term expirations, appointments that were made at the end of last year and open seats on the board to which new appointments had been made. He further states that the expiration dates of the board members were not staggered to have any members expire in the year of 2013 and there is further research that needs to be done to legally correct this matter.

BUSINESS: Discussion and Approval of the 2011 Joint Land Use Board Annual Report

Chairman Timothy Hickey begins the discussion of the 2011 Annual Report. Marc Leibman explains that there were only five applications before the board last year and that three of the applications had been brought to the board by the borough. Marc Leibman details briefly the information of each application that came before the board. William Bochicchio asks in regards to the Dumont Terrace application if the tenants were noticed within the 200 ft radius of the project. Marc Leibman states that by law they do not need to notice the tenants because the MLUL indicates that only property owners need to be noticed within the 200ft. Chairman Timothy Hickey calls for a motion to accept the annual report.

Motion to Approve: Thomas Trank
2nd by: Elizabeth Marchese

ROLL CALL:

Thomas Trank	Y	Marian Reitano	Y	Kenneth Freeman	NA
Elizabeth Marchese	Y	Ken Melamed	Y	Robert Huth	Y
Eric Abrahamsen	NA	William Goodman	NA	Irwin Buchheister Alt # 1	Y
Elmer Pacia Alt # 3	Y	Chairman Timothy Hickey	Y		
William Bochicchio	A	Michael Worner	A		

Motion Approved: 8 – 0 (with 2 abstentions)

BUSINESS: Discussion and Approval for Board Member RFQ Review Committee

Chairman Timothy Hickey begins the discussion of the RFQ committee. He states that historically the board has set up each year a review committee that looks at all the professional RFQ's that were submitted and reports their findings back to the board. Elizabeth Marchese volunteers to be on the review committee for this year. William Bochicchio states that he will also volunteer to review the RFQ's as well. A discussion briefly begins in regards to where the RFQ's be reviewed. Elizabeth Marchese states that sometimes the professionals don't give all the copies that are required. Steve Cavadias does request that the reviews be done in the office and Elizabeth Marchese confirms that is where she has done her review in the past. Chairman Timothy Hickey states for a matter of the record that Elizabeth Marchese and William Bochicchio will review the RFQ's.

RESOLUTION: Authorizing the Issuance of RFQs for Professional Services for 2012
 Motion to Approve: Elizabeth Marchese
 2nd by: Chairman Timothy Hickey

ROLL CALL:

Thomas Trank	Y	Marian Reitano	Y	Kenneth Freeman	NA
Elizabeth Marchese	Y	Ken Melamed	Y	Robert Huth	Y
Eric Abrahamsen	NA	William Goodman	NA	Irwin Buchheister Alt # 1	Y
Elmer Pacia Alt # 3	Y	Chairman Timothy Hickey	Y		
William Bochicchio	A	Michael Worner	A		

Motion Approved: 8 – 0 (with 2 abstentions)

RESOLUTION: 11-01 Gary & Denise Winkel 91 Randolph Avenue
 Motion to Approve: Chairman Timothy Hickey
 2nd by: Robert Huth

ROLL CALL:

Thomas Trank	Y	Marian Reitano	Y	Kenneth Freeman	NA
Elizabeth Marchese	A	Ken Melamed	Y	Robert Huth	Y
Eric Abrahamsen	NA	William Goodman	NA	Irwin Buchheister Alt # 1	Y
Elmer Pacia Alt # 3	Y	Chairman Timothy Hickey	Y		
William Bochicchio	A	Michael Worner	A		

Motion Approved: 7 – 0 (with 3 abstentions)

RESOLUTION: 11-03 Dusan Lubelec 98 East Linden Avenue
 Motion to Approve: Chairman Timothy Hickey
 2nd by: Robert Huth

ROLL CALL:

Thomas Trank	Y	Marian Reitano	Y	Kenneth Freeman	NA
Elizabeth Marchese	A	Ken Melamed	Y	Robert Huth	Y

Eric Abrahamsen	NA	William Goodman	NA	Irwin Buchheister Alt # 1	Y
Elmer Pacia Alt # 3	Y	Chairman Timothy Hickey	Y		
William Bochicchio	A	Michael Worner	A		

Motion Approved: 7 – 0 (with 3 abstentions)

RESOLUTION: 11-04 Dumont Terrace Apartments Inc Sunnyside, Shadyside, Dulles, etc.

Chairman Timothy Hickey tables this item till the following month's meeting February 28, 2012

- Elizabeth Marchese brings up one last discussion for the evening which is the St. Mary's parking issue. Marc Leibman asks when the most recent letter had been sent to St. Mary's and Catholic Charities. Steve Cavadias states that the letter had been sent to them over a month and a half ago. Elizabeth Marchese states that it was in their resolution to appear before the board 6 months after completion of the project to go over the parking and they never have. Steve Cavadias states that there are major issues on this site in regards to parking. Chairman Timothy Hickey reads into record the last letter that was sent to them in regards to the matter of parking. Irwin Buchheister asks what happens if they don't show to a meeting. Marc Leibman states that they will be in violation of their resolution and the Borough can revoke their Certificate of Occupancy. Marc Leibman states that the applicant promised in the hearings that the situation that is happening would not happen if approved. Marc Leibman states that the board had sent letters when their 6 months was originally up to come back to the board but parties have ignored us. William Bochicchio states that the parking there is going under a capital improvement project which is suppose to add 20 more spaces to the parking lot and might possibly alleviate the issues there. Several members state that they still needed to appear before the board regardless to that. Chairman Timothy Hickey asks that another letter be drafted to St. Mary's and the Archdiocese so that he may sign it and for it to be sent out to both parties again and that they have to respond by the next hearing. Chairman Timothy Hickey brings up two other resolutions to verify compliance: 105 W Shore Warehouse and 2A Sunset Cell Tower. Steve Cavadias confirms that the Warehouse and Office Spaces on W Shore Ave are being used in accordance to their resolution and he further states that the contractor and attorney have been notified about the landscaping and fence on the Cell Tower site.

Motion to Adjourn: Robert Huth
2nd by: Thomas Trank

Minutes respectfully submitted by:
Rosalia Bob
Joint Land Use Board Clerk